

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEBORAH CARR,

Plaintiff,

REPORT AND
RECOMMENDATION

- against -

CV 11-3864 (CBA) (MDG)

NATIONAL CREDIT WORKS, INC.,

Defendant.

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GO, United States Magistrate Judge:

This action has been referred to me for pretrial supervision. Plaintiff commenced this action on August 4, 2011 and later filed a return of service. Defendant's answer to the complaint was due on December 1, 2011. On December 8, 2011, I reminded plaintiff that the time for defendant to answer had expired and directed plaintiff to, by December 29, 2011, either move for entry of default and, if appropriate, for default judgment or to file a status report. Plaintiff failed to comply with the Order.

On January 5, 2012, I issued a second order extending plaintiff's time to January 19, 2012, to either move for default or file a status report. Plaintiff was advised if she failed to comply with the order in a timely fashion, this Court would recommend that the action be dismissed. Plaintiff has failed to comply with the two prior orders and has not communicated with the Court since filing this action.

I therefore respectfully recommend that this Court, sua sponte, dismiss this action without prejudice for failure to prosecute pursuant to 41(b) of the Federal Rules of Civil Procedure.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned and the Honorable Carol B. Amon, by February 27, 2012. Failure to file objections within the specified time waives the right to appeal. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

SO ORDERED.

Dated: Brooklyn, New York
February 10, 2012

/s/
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE